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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/855,627      | 05/15/2001  | Gregory Fauvarque    | PHFR 000048         | 9264             |

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

LEE, TOMMY D

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/855,627

Applicant(s)

FAUVARQUE ET AL.

Examiner

Thomas D. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4 and 6 is/are rejected.
- 7) ☒ Claim(s) 2 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,786,855 (Chen et al.).

Regarding claim 1, Chen et al. discloses a method of processing a digital video data signal containing data relating to rectangular pictures ( $f_0$  (frame data): information that defines video frames using pixel values (Fig. 2)), said method of processing comprising a segmentation step for segmenting the digital video data signal so as to provide segmented video data signals, a segmented video data signal containing a video object which is a region of the rectangular picture ( $f_0$  enters image segmenter to extract segmentation data (column 3, line 63 – column 4, line 2; column 8, line 45 – column 9, line 5), characterized in that said method of processing comprises: an identification step for identifying with an identifier to which video object of the segmented video data signals a pixel of the rectangular picture belongs ( $f_1$  (segmentation data): information that indicates the region to which a particular pixel or pixel value belongs (Fig. 2)), and an insertion step for inserting the identifiers into the digital video data signal so as to form a modified digital video data signal to be encoded by a video-object-based encoding framework ( $f_0$  and  $f_1$  provided as input to color

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replacer (column 9, lines 8-19); output video sequence  $f_2$  from color replacer encoded by encoder (column 11, line 66 – column 12, line 16)).

Claim 4 recites a device claim comprising means for performing the steps of method claim 1. Such means are provided in Chen et al., as set forth above.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. as applied to claims 1 and 4, respectively, above, and further in view of U.S. Patent 6,480,626 (Venable).

Chen et al. do not explicitly disclose how many bits are allocated to segmentation data  $f_1$ . Venable discloses a method wherein segmentation tags are assigned to pixels

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of an image according to types of image data (column 3, lines 6-55). Three bits are allocated for FUNCTION tags, which indicate the type of each image segment (column 4, lines 15-18). In Venable, as in applicant's invention, the number of bits assigned to an identifier is clearly based on the number of different segments of the image, and thus one of ordinary skill would have known that providing a specific number of bits for the identifier would have been an obvious matter of design choice, depending on the number of different image types a user wishes to identify. It would have been obvious for one of ordinary skill in the art to modify the teaching of Chen et al. by providing at least two bits for segmentation data  $f_1$ , in the manner disclosed in Venable, so that more image types of image data can be identified and thus encoding for each of the different types of image data may be optimized.

***Allowable Subject Matter***

6. Claim 7 is allowed.

7. Claims 2 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to disclose or suggest a digital video data signal defined by the recommendation ITU-R BT.601-5 comprising an ancillary data packet, defined by the recommendation ITU-R BT.1364, accommodated in a vertical blanking space of the digital video data signal at a row level, the packet comprising identifiers

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corresponding to video objects resulting from a segmentation process, as recited in claims 2, 5 and 7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (703) 305-4870. The examiner can normally be reached on Monday-Friday (7:30-5:00), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas D. Lee  
Primary Examiner  
Art Unit 2624

tdl  
February 17, 2005